

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

ABIGALE PFINGSTEN and ANOKHY DESAI,)
individually and on behalf of all others similarly)
situated,)

PLAINTIFFS,)

v.)

CARNEGIE MELLON UNIVERSITY,)

DEFENDANT.)

Case No. 2:20-cv-00716-RJC

**PLAINTIFFS' UNOPPOSED MOTION TO PRELIMINARILY APPROVE CLASS
ACTION SETTLEMENT, CERTIFY THE CLASS,
APPOINT CLASS COUNSEL, APPROVE PROPOSED
CLASS NOTICE, AND SCHEDULE A FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE THAT, upon the Declaration of Nicholas A. Colella, sworn to on **February 14, 2025**, and the accompanying exhibits and memorandum of law, and upon all prior proceedings, pleadings, and filings in the above-captioned action, Named Plaintiffs Abigale Pfingsten and Anokhy Desai will move this Court at the United States District Court for the Western District of Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, Courtroom 8C, 700 Grant Street, Pittsburgh, PA 15219, before the Honorable Robert J. Colville, United States District Judge, for an Order under Federal Rule of Civil Procedure 23:

- (1) Preliminarily approving the proposed Settlement on behalf of the Settlement Class Members according to the terms of the Stipulation of Settlement;
- (2) Provisionally certifying, for purposes of the Settlement only, the following Settlement Class:

All students who were assessed tuition and/or fees to attend at least one in-person course(s) during the Spring 2020 semester at CMU but had their course(s) moved to remote learning.

- (3) Preliminarily appointing Named Plaintiffs Abigale Pfingsten and Anokhy Desai as Settlement Class Representatives;
- (4) Preliminarily appointing Gary F. Lynch and Nicholas A. Colella of Lynch Carpenter, LLP, and Philip L. Fraietta of Bursor & Fisher, P.A. as Class Counsel to act on behalf of the Settlement Class and the Settlement Class Representative with respect to the Settlement;
- (5) Approving the Parties' proposed settlement procedure, including approving the Parties' selection of RG/2 Claims Administration LLC as Settlement Administrator and approving the Parties' proposed schedule;
- (6) Entering the proposed Order Preliminarily Approving the Proposed Settlement and Provisionally Certifying the Proposed Settlement Class, attached as Exhibit A to the Settlement Agreement, which is attached as Exhibit 1 to the Declaration of Nicholas A. Colella; and
- (7) Granting such other and further relief as may be just and appropriate.

Dated: February 14, 2025

Respectfully submitted,

/s/ Nicholas A. Colella
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